

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

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195 E76 LLC,

No. 20 Civ. 2541(ALC)

CONSENT MOTION TO
STAY

Plaintiff,

-against-

Savaria Corporation,

Defendant.

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Pursuant to Local Civil Rule 7.1, Plaintiff, by its undersigned counsel, move the Court to stay this action pending settlement negotiation. In support of this motion, Plaintiff shows the Court:

1. “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). Courts looks to five key factors in deciding a motion to stay:

(1) the private interests of the plaintiffs in proceeding expeditiously with the civil litigation as balanced against the prejudice to the plaintiffs if delayed; (2) the private interests of and burden on the defendants; (3) the interests of the courts; (4) the interests of persons not parties to the civil litigation; and (5) the public interest.

Lovatio v. Petroleos de Venezuela, S.A., No. 1:19-CV-4799 (ALC), 2020 WL 5849304, at *3 (S.D.N.Y. Sept. 30, 2020) (quoting *Kappel v. Comfort*, 914 F. Supp. 1056, 1058 (S.D.N.Y. 1996)). Each of these factors weighs in favor of a stay.

2. The Court issued an order on October 23, 2020, requiring the parties to file a joint status report on November 6, 2020. (Doc. 17).

3. Since then, the parties have continued to actively work toward a resolution of this dispute, but the parties need additional time to reach a resolution of this dispute.

4. Staying this action while the parties continue to negotiate a resolution of this matter will preserve judicial resources and those of the parties.

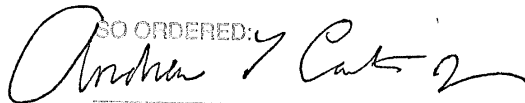
5. Counsel for Plaintiff has conferred with counsel for Defendant, Mr. Michael J. Sullivan of Womble Bond Dickinson (US) LLP, who consents to the requested relief.

6. Thus, under the *Kappel* factors, the interests of the Plaintiff and the Defendant are aligned and weigh in favor of a stay, and the interest of the Court in preserving its resources also favors a stay. Plaintiff is unaware of any other persons not parties to this dispute who would have an interest in the outcome of the dispute and therefore this factor is neutral. Finally, the public interest weighs in favor of the mutual resolution of disputes between parties and the preservation of the Court's resources.

7. As a result, Plaintiff respectfully requests a stay of this action for three months, including a stay of all current case deadlines for all parties, without waiving any rights, claims, or defenses of either party.

Dated: November 6, 2020

/s/ Yuliya Vangorodska



HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE

Dated: November 12, 2020

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